



January 20, 2000

Mr. Duncan Fox
Assistant Chief
Legal Services
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR2000-0179

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131377.

The Department of Public Safety (the “department”) received a request for information concerning procedures for complaints against Texas Rangers; complaints filed against a specified Ranger; and the functions and responsibilities of the department’s Internal Affairs Division. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. You have supplied information, labeled “Sample of Requested Material” to this office for review.¹ We have considered the exception you claim and reviewed the submitted information.

The 76th Legislature amended section 552.022 of the Government Code to provide several categories of information that are not excepted from required disclosure unless they “are expressly confidential under other law.” In pertinent part this section now reads

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office

...

- (7) a description of an agency's central and field organizations,

...

- (14) administrative staff manuals and instructions to staff that affect a member of the public;

You have included Director's Staff page 13, titled "Internal Affairs," which describes the general duties of the internal affairs division; subsection ".08.06," which describes policy regarding investigations into incidents that involve death or bodily injury; subsection "01.07.00.00.A," which describes policy regarding complaints made against DPS personnel; and subsection "96.09," which describes reporting requirements for incidents involving discharge of firearms. These documents are made public by Government Code section 552.022(a)(14). You have also included subsection "01.03.00.00," which is a description of the general structure of the internal affairs division. This document is made public by Government Code section 552.022(a)(7). Information is not made confidential by section 552.103 of the Government Code. Open Records Decision No. 522 (1989). Therefore, each of these items must be released.

You have also included a copy of enacted legislation. Compelling public policy based on constitutional considerations requires disclosure of public law. Open Records Decision No. 551 (1990). Therefore, this information must be released. We conclude that all of the submitted information must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

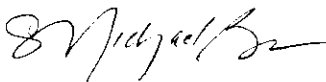
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/nc

Ref: ID# 131377

Encl. Submitted documents

cc: Mr. Allan Soape, Jr.
P.O. Box 1054
Huntington, Texas 75949
(w/o enclosures)